

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**APR 5 2000**

**PATRICK FISHER**  
Clerk

TAMMY CLANTON, doing business  
as United Pharmaceutical/Nutri-Slim,  
Inc., an Oklahoma corporation,

Petitioner,

v.

DRUG ENFORCEMENT  
ADMINISTRATION,

Respondent.

No. 99-9521  
(No. M4-96-2019)  
(Petition for Review)

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**ORDER AND JUDGMENT \***

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Before **BALDOCK** , **BRISCOE** , and **LUCERO** , Circuit Judges.

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Appellants seek review of the Drug Enforcement Administration's (DEA's) denial of their petition for remission or mitigation of administrative forfeitures of currency and cashier's checks. They contend that the forfeitures cannot stand because no criminal charges were filed against them or in connection with the

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

transactions leading to the initial seizures of the monies and because probable cause is lacking to connect the monies with any illegal transactions.

We have jurisdiction over this appeal by virtue of 21 U.S.C. § 877.<sup>1</sup> The scope of our review is quite narrow. It “is limited to assuring that the DEA complied with statutory and procedural requirements.” *Yskamp v. DEA*, 163 F.3d 767, 770 (3d Cir. 1998). In other words, the administrative denial of a petition for remission or mitigation is not subject to judicial review on the merits. *See United States v. One Parcel of Property*, 51 F.3d 117, 119 (8th Cir. 1995). Appellants have not demonstrated that statutory and procedural requirements were not met. Their contention that they did not receive adequate notice of the forfeitures was presented to and rejected by the federal district court in a related case.

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<sup>1</sup> After examining the briefs and appellate record, this panel has determined unanimously to grant the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Accordingly, the petition for review of the DEA's decision to deny appellant's petition for remission or mitigation is DENIED.

Entered for the Court

Carlos F. Lucero  
Circuit Judge